

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RUSSELL,

Plaintiff,

v.

JUDGE HAROLD G. ALBRIGHT, et. al.,

Defendants.

Case No. 3:13-cv-00027-MMD-WGC

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge Cobb's Report and Recommendation ("R&R"), (dkt. no. 3), regarding Plaintiff Russell's Complaint and Application to Proceed *in forma pauperis*. (Dkt. no. 1.) Russell filed a timely objection to Judge Cobb's R&R on February 27, 2013. (Dkt. no. 4.)

The Court has considered Russell's objections and conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B)-(C) and Local Rule IB 3-2, and finds good cause to adopt Judge Cobb's R&R in full.

Russell alleges that Judge Harold G. Albright of the Reno Justice Court entered a protective order against him in 2009. He argues that entry of this order exceeded the court's jurisdiction because he was living in Utah at that time. He also names Reno Justice Court Judge Barbara K. Finley as a defendant because she renewed the protective order, and further names the County Commission and the State of Nevada as

1 defendants because they were allegedly alerted to the lack of jurisdiction and failed to
2 act. Russell brings his claim under 42 U.S.C. § 1983.

3 Judge Cobb granted Russell's request to proceed *in forma pauperis*. Judge Cobb
4 dismissed Russell's Complaint with prejudice because: (1) Judge Albright and Judge
5 Finley are entitled to absolute immunity; (2) the State of Nevada is not a person and
6 therefore cannot be sued pursuant to § 1983; and (3) Russell's allegations against the
7 County Commission did not meet the threshold standard of plausibility required by *Bell*
8 *Atlantic Corp. v. Twombly*, 556 U.S. 662 (2009).


9 The Court agrees with Judge Cobb that Russell's Complaint must be dismissed
10 with prejudice for the reasons stated in the R&R. This is not a determination of the merits
11 of Russell's case. In his objection to the R&R, Russell represented that he is attempting
12 to seek legal representation and requested assistance from the Court to help him amend
13 his Complaint. However, amendment is futile in this case.

14 IT IS HEREBY ORDERED that Magistrate Judge Cobb's Report and
15 Recommendation, (dkt. no. 3), is ACCEPTED and ADOPTED.

16 The Clerk of the Court is instructed to close this case.

17 DATED THIS 9th day of August 2013.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE